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BASF CORPORATION
Patent Department
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EXAMINER

BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Response to Arguments

The Amendment to page 10, paragraph 1 of the specification is sufficient to correct the definitions of the disclosed photoinitiators in the specification and claims. The data sheets submitted regarding Lucirin TPO and Genocure initiators identify the trademarked materials disclosed in the Specification, particularly that the chemical name for Genocure MBF is methylbenzoylformate.

112 rejections: Applicant states that the claims filed 12-02-2008 do not require a combination of Type I and Type II photoinitiators. This argument is not persuasive because the claim language “selected from the group consisting of a combination of unimolecular (type I) and bimolecular (type II) photoinitiators” can clearly be interpreted as requiring a unimolecular and a bimolecular photoinitiator to provide the combination. Therefore, the claims were originally searched and considered as requiring a mixture including both “types” of photoinitiator. Applicant proposes limiting claim 1 to a mixture of unimolecular photoinitiators. This proposed limitation raises a new issue and new search because no bimolecular photoinitiator is required to be present or is included in the Markush Group of photoinitiator.

Hovestadt et al in view of Howard: Applicant argues differences between the disclosure of Hovestadt et al and the instant Examples. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-aqueous, reactive diluent) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Applicant argues unexpected results with respect to the stability of a composition comprising a component (I) containing isocyanate-reactive groups and photoinitiators compared with the isocyanate-reactive component without photoinitiators (C1) mixed with an isocyanate component (II) containing a mixture of photoinitiators compared with an isocyanate component not containing photoinitiators. It is noted that there is no evidence of record to show properties equivalent to the storage stable properties observed for the combination of Irgacure 184, Genocure MBF and Lucirin TPO in compositions comprising a methacrylate copolymer having hydroxyl groups and a pentaacrylate reactive diluent for other mixtures of photoinitiators within the Group set forth in proposed claim 1 and claim 14 in the same composition. Furthermore, the comparative example C1 is not representative of the prior art cited in the Final Rejection because no photoinitiators are present in the comparative example. Additionally, there is no evidence of record to show properties equivalent to the storage stable properties observed for the combination of Irgacure 184, Genocure MBF and Lucirin TPO in compositions comprising two different species of isocyanato acrylate for other mixtures of photoinitiators within the Group set forth in proposed claim 1 and claim 14 in the same composition. Furthermore, the comparative example C2 is not representative of the prior art cited in the Final Rejection because no photoinitiators are present in the comparative example.

With respect to applicant's arguments about a dual cure system, it is not clear what dual cure mechanism applicant refers to with respect to the proposed amended claims since each of the three photoinitiators recited is a unimolecular type (I) photoinitiator. There appears to be only one cure mechanism. Does applicant intend to refer to the two component system wherein component I and component II are prepared separately and mixed upon use?

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Susan W. Berman/ whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
8/3/2009

/Susan W Berman/
Primary Examiner
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